

D E C L A R A T I O N

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **AMPHIPHILIC MATERIALS AND LIPOSOME FORMULATIONS THEREOF**, the Specification of which:

is attached hereto.

X was filed on **August 13, 1997** as Application Serial No. **08/912,978**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>60/024,382</u>	<u>August 14, 1996</u>	<u>Co-Pending</u>
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Shelley P.M. Fussey, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210 (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Rajindra Aneja
(First) (Initial) (Last)

Inventor's Signature: *Rajindra Aneja*

Date: Oct. 6, 1997 Country of Citizenship: USA.

Resident Address: 322 SUNNYVIEW LANE, ITHACA NY 14850
(Include number, street name, city, state, and country)

Post Office Address: —
(if different from residence address)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Rajindra Aneja §
Serial No.: 08/912,978 § Examiner: Unknown
Filed: August 13, 1997 § Group Art Unit: Unknown
For: AMPHIPHILIC MATERIALS AND § Atty. Dkt: NUBI:002/FUS
LIPOSOME FORMULATIONS THEREOF §

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR §§ 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: NUTRIMED BIOTECH
ADDRESS OF SMALL BUSINESS CONCERN: Cornell University Research Park
 270-276 Langmuir Laboratory
 Ithaca, New York 14850

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights und . contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **AMPHIPHILIC MATERIALS AND LIPOSOME FORMULATIONS THEREOF** by inventor(s) described in

- ☐ the specification filed herewith
☒ application serial no.: 08/912,978 filed: August 13, 1997
☐ patent no.: issued:

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME: N/A

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: _____

Rajindra Aneja

DATE: _____

Oct. 6, 1997

Name: Rajindra Aneja

Title: DIRECTOR

Address of Person Signing: Cornell University Research Park
270-276 Langmuir Laboratory
Ithaca, New York 14850

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Rajindra Aneja	§	
Serial No.: 08/912,978	§	Examiner: Unknown
Filed: August 13, 1997	§	Group Art Unit: Unknown
For: AMPHIPHILIC MATERIALS AND	§	Atty. Dkt: NUBI:002/FUS
LIPOSOME FORMULATIONS THEREOF	§	

ELECTION UNDER 37 C.F.R. §§ 3.71
AND 3.73 AND POWER OF ATTORNEY

Assistant Commissioner for Patents
 Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints Louis T. Pirkey, Reg. No. 22,393; J. Paul Williamson, Reg. No. 29,600; Daniel S. Hodgins, Reg. No. 31,026; David L. Parker, Reg. No. 32,165; Barbara S. Kitchell, Reg. No. 33,928; Mark B. Wilson, Reg. No. 37,259; Gary J. Sertich, Reg. No. 34,430; Steven L. Highlander, Reg. No. 37,642; Teresa J. Bowles, Reg. No. 40,526; Timothy S. Corder, Reg. No. 38,414; Shelley P.M. Fussey, Reg. No. 39,458; and David W. Hibler, 41,071; each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to NUTRIMED BIOTECH, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey
 Patent Agent
 ARNOLD, WHITE & DURKEE
 P.O. Box 4433
 Houston, Texas 77210-4433
 (512) 418-3000

ASSIGNEE:
 NUTRIMED BIOTECH

By: _____

Name: Rajindra Aneja

Title: DIRECTOR

Date: Oct. 6, 1997
 ASSIGNMENT: Concurrently filed

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	§	
Rajindra Aneja	§	Group Art Unit: 1615
	§	
Serial No.: 08/912,978	§	Examiner: Kishore, G.
	§	
Filed: August 13, 1997	§	Atty. Dkt. No.: 4020.000200
	§	
For: AMPHIPHILIC MATERIALS	§	Former Dkt.: NUBI:002/FUS
AND LIPOSOME	§	
FORMULATIONS	§	

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Danny L. Williams, Reg. No. 31,892; Terry D. Morgan, Reg. No. 31,181; J. Mike Amerson, Reg. No. 35,426; Kenneth D. Goodman, Reg. No. 30,460; Barbara S. Kitchell, Reg. No. 33,928; Jeffrey A. Pyle, Reg. No. 34,904; Randall C. Furlong, Reg. No. 35,144; Scott F. Diring, Reg. No. 35,119; Jeffrey E. Hundley, Reg. No. 42,676; George J. Oehling, Reg. No. 40,471; Shelley P.M. Fussey, Reg. No. 39,458; David W. Hibler, Reg. No. 41,071; and Mark D. Moore, Reg. No. 42,903;

each an attorney or agent with the law firm of WILLIAMS, MORGAN & AMERSON, P.C., as its attorney or agent so long as they remain with such law firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to NUTRIMED BIOTECH, referenced below, and certifies that to the best of my knowledge and behalf, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey
WILLIAMS, MORGAN & AMERSON, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040
(713) 934-7000

ASSIGNEE:
NUTRIMED BIOTECH

BY: Rajindra Aneja
Name: Rajindra Aneja

Title: DIRECTOR

Date: April 5, 1999

ASSIGNMENT:

☐

Concurrently filed

☒

Previously recorded:

Date: 02/23/98

Reel: 9032

Frame: 0347

A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to NUTRIMED BIOTECH (the "Assignee"), having a place of business at Cornell University Research Park, 270-276 Langmuir Laboratory, Ithaca, New York 14850, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/912,978 which has been filed on August 13, 1997 and is entitled "AMPHIPHILIC MATERIALS AND LIPOSOME FORMULATIONS THEREOF," such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature):

Rajindra Aneja

Name: Rajindra Aneja

Date: OCT. 6, 1997

STATE OF NEW YORK)

COUNTY OF TOMPKINS)

ss.

BEFORE ME, the undersigned authority, on this 6th day of OCTOBER, 1997, personally appeared Rajindra Aneja, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.

Judith H. Poole

Notary or Consular Officer

[SEAL]

P. O. Box 4433
Houston, Texas 77210

ARNOLD, WHITE & DURKEE
2001 Jefferson Davis Hwy., Ste. 401
Arlington, Virginia 22202

JUDETH H. POOLE
Notary Public, State of New York
No. 55-4528355
Qualified in Tompkins County
Commission Expires 11/30/98